THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No. 26103 of 2005

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DATED: 07.12.2005

Between:

K.Venkateswarlu, S/o Bandiyya

Superintendent (Admn), Dredging Corporation

Of India Limited, Visakhapatnam.

..... PETITIONER

AND

The Government of Andhra Pradesh,
represented by its Principal Secretary,

Tribal Welfare Department, Secretariat Buildings,

Hyderabad and others.

.....RESPONDENTS

ORDER:

The petitioner was selected and appointed as Junior Assistant in the Dredging Corporation of India Limited, the sixth respondent herein, against a vacancy reserved in favour of the Scheduled Tribe, in the year 1977. Proceedings were initiated against the petitioner under the Andhra Pradesh (Schedule Caste, Schedule Tribe and Backward Classes) Regulation of Issue of Community

Certificates Act, 1993 (for short “the Act”), on the basis of a complaint suspecting his social status. After conducting enquiry, the District Collector, the second respondent herein, passed an order, dated 02.11.2005, cancelling the caste certificate issued to the petitioner. Aggrieved thereby, the petitioner preferred an appeal under Section 7 of the Act before the first respondent together with an application for stay. His grievance is that no orders have been passed in the application for stay and in the meanwhile, his employer is likely to dismiss him from service apart from initiating other proceedings. This writ petition is filed seeking appropriate directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Social Welfare.

The petitioner availed the remedy of appeal provided for under Section 7 of the Act against an order passed under Section 5 of the Act by the second respondent. Sub-Section (3) of Section 7 of the Act empowers the appellate authority to pass interim orders, pending disposal of the appeal. The purpose of conferring such powers is to protect the interests of the persons, whose caste certificates were cancelled. If the disposal of the application for stay is delayed and the petitioner is dismissed from service in the meanwhile, the very purpose of preferring the appeal stands defeated.

For the foregoing reasons, the writ petition is disposed of directing that during the pendency of the appeal preferred by the petitioner before the first respondent, the order, dated 02.11.2005, passed by the second respondent shall remain suspended. There shall be no order as to costs.

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07.12.2005

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